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in consequence of an adverse motion carried in committee; and it was this same bill which was finally passed after the return of the ministers to power. On page 561 the "friendly societies" need some explanation for American youth. The Irish famine (p. 564) was in 1846, not 1848. In the index (p. 611) the reference "monk" is to General Monk.

SAMUEL B. HARDING.

Die soziale und politische Bedeutung der Grundherrschaft im früheren Mittelalter. Untersuchungen über Hofrecht, Immunität und Landleihen. Von GERHARD SEELIGER. (Leipzig: B. G. Teubner. 1903. Pp. 204.)

THIS careful and scholarly work is essentially a contribution to the bitter controversy that in recent years has raged in Germany over the interpretation of historical developments by economic causes. The author conducts his investigation with a temperance and amenity that are the more admirable in contrast with the tone that many of his predecessors have permitted themselves to adopt.

The chief purpose of the work is to show the impossibility of accounting for the political and social changes of the early middle ages on economic considerations alone. Landlordship or seigniorial authority (*Grundherrschaft*), Professor Seeliger contends, affected political and social life only in so far as it was privileged and authorized by the state. He institutes a careful inquiry into the nature of benefice, precarium, immunity, and manorial law with the purpose of showing that these institutions lacked that self-consistency, that constancy and precision which alone would justify scholars in operating with them in the peremptory fashion that has commonly been followed in generalizations about the early middle ages. The failure to realize the shifting and multiform aspects of these institutions has produced, in Professor Seeliger's opinion, much vain controversy.

A good example of this is the famous dispute over benefice and precarium carried on by Waitz and Roth. A study of the institutions in question leads our author to the conclusion that one is not justified in generalizing about them in detail. The precarium varied with the individual contract. It did not create a determinable relation between the grantor and the recipient. There are but two general characteristics to be noted. The precarium is at first a loan of land made in reply to a document requesting such a loan. Then in the course of the eighth and ninth centuries the Franks introduced a second document securing the precarist, who had generally made a previous surrender of his land. The precarium may then be defined as a loan of land operated by a previous surrender of property by the precarist. These points are familiar to readers of Fustel de Coulanges; the novelty lies in restricting the general definition of the institution within such narrow limits. With regard to the benefice, in like manner Professor Seeliger will go no further than to say that it is to be distinguished from land grants of a superior order by the obligation of making some kind of render or service, from those

of an inferior order by the fact that it was disengaged from the "engeren Gutsverband." The benefice and precarium of the ninth and tenth centuries may be thought of as concentric institutions; all precaria were beneficia, although the converse of this proposition was not true. Then the two begin to separate, and precaria occur which are not beneficia. Thus there is both differentiation, which was the contention of Waitz, and assimilation, which was that of Roth. Thus does Professor Seeliger sound the note of caution, deprecating that *Systemsucht* which has led so many German scholars to vitiate their own work by piecing out knowledge with hypothesis and dealing with the result as though it were established truth.

The chapter on the immunity is perhaps the most important in the book, and the results there attained may be briefly summarized. The original grant of immunity, the prohibition of the *introitus iudicum*, acted on existing seigniorial relations, real and personal, to produce a form of jurisdiction which is thus seen to derive from the royal authority. The *advocati*, equipped with the royal ban, then appear as bearers and representatives of this authority. Thus the new jurisdiction is recognized as a public law institution. But the immunity covered only the lands of which the immunist was lord, and these were commonly scattered and dispersed. Immunists then tried to round out or consolidate their estates, or, failing that, to extend their authority over lands of which they were not the lords. Thus a distinction must be taken between lordship or authority deriving from proprietorship, on the one hand, and that deriving from immunity (based on royal grant) on the other. Then after the tenth century, lordship deriving from immunity loses its unity and uniformity. The personal gives way to territorial principle, the personal dependents of a lord living outside the range of the immunity escape his jurisdiction. Thus a second distinction must be taken, this time between lordship based on personal dependence on the one hand and on rights of jurisdiction on the other. Then between the close of the ninth century and the opening of the eleventh two forms of immunity occur, the one narrow, intense, exclusive, the other broad, vague, and incomplete. The second of these drops away, and in the course of the eleventh and twelfth centuries the term immunity is applied only to the first of them.

The novelty of this exposition consists chiefly in three points: first, the coördination of the immunity with other organs of public jurisdiction in the ninth century; second, the rejection of the generally received view of the steady progress of the immunist's jurisdiction from the minor order in the Frank period to the higher in the tenth century; third, the contention that the immunities of the tenth and eleventh centuries, differing widely among themselves, cannot be regarded as forming a constant or uniform institution. Thus those who dispute about the effect of lordship and immunity on territorial and municipal development in Germany will often be found maintaining different views by arguments drawn from different aspects of the same institution.

In a concluding chapter on manorial law Professor Seeliger rejects the prevailing theory of a general depression of freemen into predial serfdom in the post Carolingian period followed in the twelfth and thirteenth centuries by a general emancipation owing to the increased value of land. He contends that personal freedom was not lost in a wholesale fashion in the earlier period, and that the view which regards manorial law as the law of status, imposing that status upon those who, in any relation, were subject to it, is erroneous.

A wise and temperate passage from Professor Seeliger's concluding paragraph may here be quoted as characteristic of the spirit and aim of his investigation :

Unsere Betrachtung will durchaus nicht die politische und soziale Bedeutung der Grundherrschaft schlechthin leugnen, will nicht an Stelle der übertriebenen Wertschätzung eine gleich fehlerhafte Unterschätzung setzen. Ausdrücklich soll vielmehr anerkannt sein, dass die materiellen Verhältnisse stets die sozialen und politischen mächtig beeinflussten, dass wirtschaftliche Kraft soziales und politisches Übergewicht, wirtschaftliche Schwäche Minderung des sozialen und politischen Einflusses bewirkt habe. Aber für überaus bedenklich halten wir es, die sozialen und politischen Bildungen einfach aus wirtschaftlichen Wandlungen ableiten zu wollen.

The righteous will consider this and rejoice.

GAILLARD THOMAS LAPSLEY.

John Lackland. By KATE NORGATE. (New York: The Macmillan Company. 1902. Pp. 302.)

THE first thought with which one opens Miss Norgate's history of the reign of John is almost inevitably of comparison with her *England under the Angevin Kings*, of which it is really a continuation. *John Lackland* stands in considerable contrast to the earlier work. The difference of style is noticeable at once. The later book is less picturesque, deals less in description, and has fewer touches of life and color, but it gains some compensation in seeming a more sober and businesslike study. It is implied that the author still regards John Richard Green as master and guide, but Green's influence is manifestly less, not on style alone, but on the general view and on the choice and interpretation of the facts. The impression of greater maturity and steadiness which the style makes is deepened by a critical examination of details. Scientifically it is a better piece of work than the *Angevin Kings*. Especially is there much less of what is too frequent in the first book—a mingling together in the same account of what Miss Norgate drew directly from the sources and of her own explanations and inferences in such a way that it is impossible to distinguish between them without reference to the texts, and one gets the impression that she found in Benedict or Wendover what she only believes they intended to imply.

The book is an account of the political history of John's reign in greater detail than we have had before. It does not add to our knowl-